IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2314 of 2005

Between:

1 R.Ramesh, S/o.Rajagopala Rao,
Tanuku, W.G.District.
2 Ch.S.R.Jyothi, D/o.Krishna Murthy,
Tanuku, W.G.District.
3 G.Mary, D/o.Naganna,
Tanuku, W.G.District.
4 M.Danaiah, S/o.Narasimha Swamy,
Tanuku, W.G.District.
5 P.Rama Krishna, S/o.Venkat Rao,
Tanuku, W.G.District.
6 K.S.Nageswararao, S/o.Satyanarayana,
Tanuku, W.G.District.
7 CH.Chandra Shekar, S/o.Suryanarana,
Tanuku, W.G.District.
8 P.Veera Swamy, S/o.Krishnamma,
Tanuku, W.G.District.
9 K.Narsi Reddy, S/o.Subbi Reddy,
Tanuku, W.G.District.
10 T.Krishna Rao, S/o.Viswanadam,
Tanuku, W.G.District.
11 J.Kameswararao, S/o.Sri Ramulu,
Tanuku, W.G.District.
12 N.Surya Rao, S/o.Manganna,
Tanuku, W.G.District.
13 G.Kanaka Durga, D/o.Kondal Rao,
Tanuku, W.G.District.
14 P.Rama Rao, S/o.Narasimha Murthy,
Tanuku, W.G.District.
15 K.Venkanna, S/o.Chinna Veera Swamy,
Tanuku, W.G.District.
16 M.S.R.Lakshmi, W/o.Balaiah,
Duvva village, Tanuku, W.G.District.
17 B.Vijaya Lakshmi, W/o.Veeraju,
Tanuku, W.G.District.

18 Balusu Veera Raghavulu, S/o.Satti Raju,
Mandapaka Village, Tanuku Mandal,
W.G.District.
19 P.Murali Krishna, S/o.Satti Raju,
Venkatrayapuram village, Tanuku Mandal,
W.G.District.
20 S.M.Kotaiah, S/o.Mallaiah,
Velpur village, Tanuku Mandal,
W.G.District.
21 N.Suryanarayana, S/o.Satyanarayana,
Velpur village, Tanuku Mandal,
W.G.District.
22 P.Bhagavannarayana, S/o.Ramanna,
Velpur village, Tanuku Mandal,
W.G.District.
23 J.Nagaratna Kumari, W/o.Adinarayana,
Velpur village, Tanuku Mandal,
W.G.District.
24 P.N.V.S.S.N.Murthy, S/o.Venkataramarao,
Mahalakshmi Cheruvu village, Tanuku Mandal, W.G.District.

..... PETITIONERS

AND

1 The Joint Collector, West Godavari District at Eluru-534001.
2 The Revenue Divisional officer, Kovvuru-534350,

West Godavari District.
3 The Mandal Revenue officer, Tanuku-534211,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the notification issued by the 2nd respondent in R.C.No.B-142/2005, dated 07-02-05, to fill up the vacancies of the Fair price shops bearing shop Nos.1,2,3,4,5,7,10,12,13,15,17,21,23,24, in Tanuku Town and 25 & 27 of Duvva Village, 32,33, of Mandapaka village, 34 in Venkatrayapuram village, 37, 39,40 & 42 of Velpur village and 43 in Mahalakshmi Cheruvu village in Tanuku Mandal, W.G.District as illegal, arbitrary and motivated by extraneous considerations and consequently direct the respondents not to fill up the said vacancies till the disposal of the appeals filed by the petitioners before the 1st respondent.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioners were functioning as fair price shop dealers in Tanuku Village and other villages in the Mandal. Through order, dated 03.01.2005, their authorizations were cancelled by the Revenue Divisional Officer, Tanuku, 2nd respondent herein. Aggrieved thereby, the petitioners preferred appeals before the 1st respondent. They also filed applications for stay. Through his order, dated 03.02.2005, the 1st respondent dismissed the applications for stay. Thereafter, the 2nd respondent issued a notification, dated 07.02.2005, inviting applications for selection and appointment of dealers in the place of the petitioners. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioners availed the remedy of appeal before the 1st respondent against the orders of cancellation of their dealerships. The applications for stay filed by them were dismissed by the 1st respondent. The petitioners do not feel aggrieved by the same for the present. Their grievance is that even while the appeals are pending, the 2nd respondent has taken steps to appoint dealers on regular basis.

An appeal is treated, for all practical purposes, as an extension of the original proceedings. The appellate authority has to satisfy himself as to the legality and

propriety of the order appealed against. If the appeals of the petitioners are allowed and any dealers are appointed, in the meanwhile, in their place, several complications would arise. The 2nd respondent shall defer such steps, till the appeals are disposed of. Temporary arrangements can be made, in the meanwhile.

Hence, the writ petition is disposed of, directing that the further steps in pursuance of the notification, dated 07.02.2005 issued by the 2nd respondent shall be deferred, till the 1st respondent disposes of the appeals preferred by the petitioners. There shall be no order as to costs.

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11.02.2005

Note: Issue C.C. by today.

(B/o)

Jsu

To

1 The Joint Collector, West Godavari District at Eluru-534001.
2 The Revenue Divisional officer, Kovvuru-534350,

West Godavari District.
3 The Mandal Revenue officer, Tanuku-534211,

West Godavari District.

4 Two CCs to the GP FOR CIVIL SUPPLIES,

High Court of A.P., Hyderabad (O.U.T.)

5 2 CD copies